THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.6066 OF 2006

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DATED: 27-03-2006

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BETWEEN

M/s. Dharani Enterprises,

H.No.5-26-2/A, Bradipet,

Guntur, rep. by its Partner,

Sri. R. Yagna Narayana,

S/o. Koti Deekshitulu,

R/o.D1-31, Old Pattabhipuram,

Guntur.

...PETITIONER

AND

The Commissioner,

Guntur Municipal Corporation,

Guntur District.

...RESPONDENT

ORDER:

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Heard the learned counsel for the petitioner as well as the learned standing counsel appearing for the respondent.

Learned counsel for the petitioner submits that the petitioner purchased a small extent of 12

sq. yards in the premises bearing H.No.5-26-2/A, Bradipet, 3rd Lane, Guntur vide registered sale deed No.8899/95 dated 17.11.1995 bearing assessment No.240254 and

he has been carrying on business in the said premises pertaining to paints. He further submits that the builders obtained sanction plan vide permit No.BA/598/95/G2 for construction of commercial complex i.e. Cellar plus three floors and the petitioner occupied a small portion of the shop admeasuring 17' X 14'. He further submits that the petitioner is not aware as to whether the shop occupied by him is covered by the sanction plan and whether any sanction plan has been taken; but his only grievance is that without giving any notice the respondent is threatening to demolish his premises.

I am of the opinion that if the said shop occupied by the petitioner has been constructed without any sanction plan it is always open for the respondent to demolish the same by issuing a notice but without putting on a notice to the petitioner it may not be just and proper for the respondent to demolish the said shop.

Accordingly, the respondent is directed to issue notice to the petitioner as to whether the shop occupied by the petitioner is covered by the sanction plan or not and if the same has been constructed without any sanction plan the respondent may take appropriate action in accordance with law.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

March 27, 2006

Note: Furnish C.C. of the order by 28.03.2006

(**B/o**)

DSK